

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

COMPLAINT: Dr. Barry Shepherd

Civil Action # 5:18-cv-186

Dr. Barry Shepherd, in his own Individual Capacity, engaged in discriminatory practices with malice and with reckless indifference to the federally protected rights of Plaintiff

Defendant Dr. Barry Shepherd, Superintendent, in his own capacity, maliciously interfered with Plaintiff's contract and upset her substantive right to work by making pejorative statements about her professional abilities in communications throughout the Cabarrus County School System. He spoke these falsehoods to his staff and also put them in writing.

**Violation of A.D.A.:**

In October, 2008, in response to Plaintiff's application: for reemployment said, in part-

*"You were not selected for a position due to performance issues that arose during your employment with us in the Fall of 2006. Your Principal had concerns about your work performance and was in the process of preparing an Action Plan to address performance issues at the time of your accident in January 2007".*

This is untrue. There were no "performance issues" and no "Action Plan".

**Violation of H.I.P.A.A.:**

The Superintendent also violated H.I.P.A.A regulations regarding confidentiality by specifically naming Plaintiff's disabilities in administrative records which were included in the open Cabarrus County Personnel File . Also included in the open personnel file were copies of Plaintiff's hospital records and other documents which were related to Plaintiff's application for disability. These confidential documents disclosed the details of the disabling event and the resultant disabilities.

**Denial of Right to Work:**

Other non-published and confidential information was made available to the public, including prospective employers, thereby interfering with Plaintiff's substantive right to work.

**Corrupt and Malicious:**

Since Defendant had access to Plaintiff's Medical Records, he could see documents which diagnosed the emotional upheaval Defendant's actions were causing for Plaintiff.

These actions of the Defendant were corrupt and malicious. Moreover, the promise to take away from all the Principals in Cabarrus County the privilege and duty to select teachers whom they feel would be an asset to their schools was an act of bad faith. Also, the personal rejection of an applicant would be outside the scope of the Defendant's authority. The hiring of teachers is the responsibility of the School Board.

**Violation of Due Process:**

Defendant, in his own capacity, erred in refusing to permit renewal of Plaintiff's contract. Defendant erred also in dismissing Plaintiff from employment without satisfying the procedural requirements set forth in G.S. 115C-325(e) for a career teacher, and in so doing violated the "Due Process" requirement of the United States Constitution.

Seal Kath Harris

Date: 4/25/2018

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